

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID STEBBINS,

Plaintiff,

v.

MICROSOFT, INC.,

Defendant.

No. C11-1362 JCC

MICROSOFT'S RESPONSE
REGARDING SHOW CAUSE
ORDER (Dkt. 34)

As directed by the Court's Minute Order (Dkt. 34), Microsoft submits this response regarding its nonappearance at the December 13, 2011, status conference.

On August 22, 2011—over two months before Microsoft appeared and moved to dismiss—the Court issued a Minute Entry (Dkt. 3) setting a status conference for December 13, 2011. The Minute Entry states: "THE PLAINTIFF IS DIRECTED TO NOTIFY ALL PARTIES OF THE DATE AND TIME OF THE SCHEDULED STATUS CONFERENCE." Plaintiff David Stebbins did not provide notice as directed by the Court. Nor did Mr. Stebbins confer with Microsoft's counsel in advance of the status conference, as Rule 26(f) requires.

Having said that, Microsoft did become aware of the scheduled status conference. Unfortunately, due to clerical oversight, the undersigned counsel did not calendar the pre-scheduled status conference and did not appear on December 13, 2011. Counsel takes full responsibility for that nonappearance and apologizes to the Court.

1 DATED this 14th day of December, 2011.

2 Davis Wright Tremaine LLP
3 Attorneys for Microsoft Corporation

4 By /s/ John A. Goldmark

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to *Pro Se* Plaintiff David Stebbins at this e-mail address: stebbinsd@yahoo.com.

DATED December 14, 2011, 2011.

By s/ John A. Goldmark
John A. Goldmark, WSBA #40980